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WP Nos. 35315 of 2024 and 17808 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P Nos. 35315 of 2024 and 17808 of 2025 AND

WMP Nos. 20060 and 31888 of 2025

W.P.No.35314 of 2024

1. A.J.Ethiraj
2. J. Manoj Kumar
3. S. Mohamed Ansari
4. S. Mehallan
5. S. Marimuthu
6. J. Rupan Kumar
7. V. Tamilsangili
8. K. Essakkiammal
9. K. Pradeep Kumar
10. S. Kodikathakumaran
11. P. Muniappan
12. R. Shenbagam
13. A. Ziaulhaq
14. S. Senthil Kumar
15. N. Manigandan
16. K. Sri Balaji
17. R. Thirumoorthi
18. R. Balamani
19. J. Mathalaimary

..Petitioners

Vs

1. The Government Of Tamilnadu
Principal Secretary To Government, Home
(courts) Department, Fort St. George,
Secretariat, Chennai 600009.



WP Nos. 35315 of 2024 and 17808 of 2025

2. The Tamil Nadu State Legal Services Authority
North Fort Road, High Court Campus,
Chennai 600104

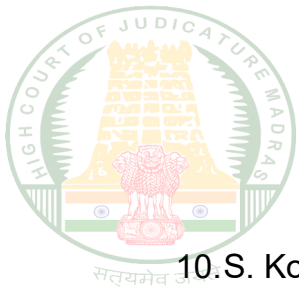
3. V. Yamini
4. S. Banumathy
5. S. Poongodi
6. R. Uma Maheswari
7. D. Khaderhussain
8. B. Keerthana
9. E. Priya
10. R. Preethi
11. G. Almas
12. T. Mahalakshmi
13. R. Aarthi
14. M. Sumathi
15. S. Sasidhar
16. J. Kalpana

..Respondents

Prayer in W.P.No.35315 of 2024 : Writ Petition under Article 226 of the Constitution of India praying for the writ of Declaration to declare by way of writ of declaration (or)by issuing any other appropriate writ (or) to declare order.TNSLSA.No.8040/E/2019 dated 27.11.2019 on the file of 2nd respondent with respect to the appointment of respondents No.3 to 16 as null and void and the same as ex-facie, illegal, incompetent arbitrary and against the principles of natural justice.

W.P.No.17808 of 2025

1. A.J.Ethiraj
2. J. Manoj Kumar
3. S. Mohamed Ansari
4. S. Mehallan
5. S. Marimuthu
6. J. Rupan Kumar
7. V. Tamilsangili
8. K. Essakkiammal
9. K. Pradeep Kumar



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10.S. Kodikathakumaran
11.P. Muniappan
12.R. Shenbagam
13.A. Ziaulhaq
14.S. Senthil Kumar
15.N. Manigandan
16.K. Sri Balaji
17.R. Thirumoorthi
18.R. Balamani
19.J. Mathalaimary

..Petitioners

Vs.

The Tamil Nadu State Legal Services Authority
Represented by its Member Secretary,
North Fort Road, High Court Campus,
Chennai 600104

.. Respondent

Prayer in W.P.No.17808 of 2025 : Writ Petition under Article 226 of the Constitution of India praying for the writ of Mandamus to consider the petitioners for promotion as per Tamil Nadu Judicial Ministerial Service Rules.

For Petitioners : Mr.P.Senthil Dhandapani (in both W.Ps)

For Respondents
in W.P.35315 of 2024 : Ms.A.Suganya, Government Counsel for R1,
Mr.C.K.Chandrasekaran for R2
Mr.C.Vigneswaran for R3,6,8 to 14 & 16,
Mr. Harish for Mr. Rahul Balaji for R7,
Mr.G.Nishanth for R15

For Respondent in
W.P.17808 of 2025 : Mr.C.K.Chandrasekaran



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Order

(Order of the Court was made by S.M.Subramaniam J.)

Writ of declaration has been instituted challenging the appointment of the contesting respondents to the post of Junior Administrative Assistant in the services of the Tamil Nadu State Legal Services Authority dated 27.11.2019.

2. Learned counsel for the petitioners would mainly contend that the appointment of the respondents to the post of Junior Administrative Assistant was not done in accordance with the recruitment rules in force and therefore those appointments are to be declared as null and void. He would contend that certain appointments to the said posts were made on extraneous considerations which resulted in denying promotional opportunity to the writ petitioners who were appointed to the post of Office Assistant in the same year ie., in 2019. Since they are losing their opportunity of promotion, the petitioners have chosen to file the present writ petitions.

3. Learned counsel for the respondent Tamil Nadu State Legal Services Authority would oppose by stating that the writ petitioners were appointed to the post of Office Assistant in April 2019 and the contesting respondents were appointed to the post of Junior Administrative Assistant in November 2019. Qualification for both the posts of Junior Administrative Assistant and Office



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Assistant was common and common recruitment process was conducted.

Having accepted the post of Office Assistant, now at this length of time, they cannot challenge the appointment of the respondents made to the post of Junior Administrative Assistant. Thus, the writ petition is to be rejected.

4. The respective learned counsel for the contesting respondents would submit that they were appointed in November 2019 and working in the post of Junior Administrative Assistant for more than five years. The services of the contesting respondents were regularised and now they are working as permanent employees in Tamil Nadu State Legal Services Authority. The writ petitions have been instituted belatedly and have to be rejected.

5. This Court has considered the rival submissions made by the parties to the lis on hand.

6. Admittedly, recruitment rules were not followed. But, the services of the contesting respondents in the post of Junior Administrative Assistants were regularised and they are working as permanent employees. The writ petition in W.P.No.35315 of 2024 came to be instituted in the year 2024 after a lapse of five years from the date of appointment and therefore the settled appointments need not be unsettled merely on the ground that the petitioners claim that their promotional opportunities are denied.



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7. Promotions *per se* cannot be claimed as an absolute right. Promotions are to be made strictly in accordance with the rules applicable to the particular post. The petitioners were admittedly appointed as Office Assistants. Whenever their turn comes for promotion, in the order of seniority and in accordance with the rules, their case will be considered strictly in accordance with the promotion rules applicable. Therefore, in order to secure promotion to the next higher post of Junior Administrative Assistants, the petitioners cannot be allowed to challenge the appointment of the respondents, who were appointed in the year 2019 to the post of Junior Administrative Assistant and their services were also regularised in the sanctioned posts in the time scale of pay. Settled appointments cannot be unsettled after a lapse of several years, which would affect the livelihood of those employees. That apart, the petitioners have slept over their claim for long years and now they cannot wake up and knock the doors of the Court to unsettle the appointments which were confirmed by the Tamil Nadu State Legal Services Authority.

8. In respect of the allegations set out by the petitioners that the recruitment rules are not followed in the recruitment to various posts in Tamil Nadu State Legal Services Authority, the issue has been settled by this Court in a judgment rendered in the case of **A.J.Ethiraj -vs- Government of Tamil Nadu reported in 2024 MHC 2974**. In the said judgment, this Court reiterated that all



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appointments are to be made strictly under the constitutional scheme and by following recruitment rules in force and that no appointment is to be made on temporary basis and thereafter be confirmed, which was the illegality committed on earlier occasions. Pursuant to this judgment, the Tamil Nadu State Legal Services Authority has not made any appointment in violation of the recruitment rules in force. The judgment cited supra was confirmed by the Hon'ble Supreme Court of India and that being the legal position, the Tamil Nadu State Legal Services Authority is bound to follow the recruitment rules in force in the matter of appointments to various posts.

9. In view of the above factual and legal position, the writ petitioners are not entitled for any relief and consequently the writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (N.S.,J.)

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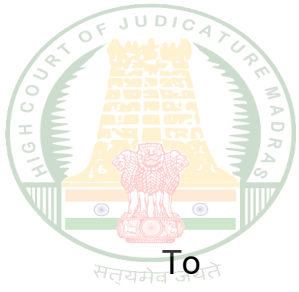
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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

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1. The Principal Secretary To Government,
Home (Courts) Department
Fort St. George, Secretariat,
Chennai 600009.
2. The Member Secretary
Tamil Nadu State Legal Services Authority
North Fort Road, High Court Campus,
Chennai 600104



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**S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.**

KST

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AND
W.P.No.17808 of 2025**

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